

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WHITEWATER DRAW
NATURAL RESOURCE
CONSERVATION DISTRICT, *et*
al.,

Plaintiffs,

v.

JOHN F. KELLY, *et al.*,
Defendants.

Case No. 3:16-cv-2583-L(BLM)

**ORDER GRANTING DEFENDANTS'
MOTION TO STAY**

Pending before the Court is Defendants' motion to stay. Plaintiffs filed an opposition, and Defendants replied. This matter is submitted on the briefs without oral argument pursuant to Civil Local Rule 7.1.d.1. For the reasons which follow, Defendants' motion is granted.

"A district court has discretionary power to stay proceedings in its own court under *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)." *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005). In considering Defendants' motion, the Court "must weigh competing interests and maintain an even balance." *Landis*, 299 U.S. at 254-55. The movant "must make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to someone else." *Id.* at 255. The "burden of making out the justice and wisdom of a departure from the beaten track lay[s] heavily on the ... suppliants for relief." *Id.* at 256. A "stay is immoderate

1 and hence unlawful unless so framed at its inception that its force will be spent
2 within reasonable limits, so far at least as they are susceptible to prevision and
3 description." *Id.* at 257.

4 Defendants request a stay pending review of certain immigration policies
5 because recent executive orders may have mooted much of this action. They
6 request a stay for 45 days after the conclusion of their review, which they
7 anticipate to expire on September 7, 2017. In their opposition, Plaintiffs assert that
8 the stay is unnecessary given the focus of their complaint, but do not maintain that
9 it would prejudice them. Defendants have shown that unnecessary hardship and
10 burden on government resources would result in the absence of a stay, and the
11 requested stay is brief and closed-ended. In the absence of Plaintiffs' showing of
12 prejudice, Defendants' motion is granted.

13 This action was filed on October 17, 2016. Prior to filing their motion for
14 stay, Defendants had been granted multiple extensions of time to respond to the
15 complaint. The Court is therefore not inclined to grant any further stays or
16 extensions of time.

17 Accordingly, it is ordered:

- 18
- 19 1. Defendants' motion for stay is granted. This action is stayed until
20 **October 6, 2017.**
 - 21 2. No later than **October 6, 2017**, the parties shall file a joint status report.
 - 22 3. Defendants shall file a response to the complaint, if any, no later than
23 **October 6, 2017.**

24 **IT IS SO ORDERED.**

25 Dated: September 12, 2017

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28 Hon. M. James Lorenz
United States District Judge

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